

REMARKS

Claims 20-57 are pending with this paper. Claims 39-57 are withdrawn from consideration. Claims 1-19 and 58-76 were previously canceled without prejudice. Claims 20-38 stand rejected by the Office Action.

Claim Rejections - 35 U.S.C. §103

Claims 20-38 are rejected by the Office Action under 35 U.S.C. 103(a) as allegedly being unpatentable over Daniels in view of U.S. Patent No. 6,029,195 (Herz).

Regarding independent claim 20, the combination of Daniels and Herz fails to even suggest the feature of “dynamically **adding** a second virtual instructor **with** the first virtual instructor and the one or more users.” (Emphasis added.) Similarly, the combination fails to suggest the feature of “logic that dynamically adds a second virtual instructor with the first virtual instructor and the one or more users” in independent claim 29 and the feature of “code that dynamically adds a second virtual instructor with the first virtual instructor and the one or more users” in independent claim 30. Regarding independent claim 20, the Office Action admits (Page 4.):

Daniels is silent regarding: dynamically adding second virtual instructor with the first virtual instructor and the one or more users.

The Office Action alleges (Page 4.):

Herz discloses teacher load balancing system including dynamically adding second virtual instructor (second teacher) (see col. 94, lines 47-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Herz into the system of Daniels such that more proficient teachers in math or reading can be assigned to reach less proficient students based [on the] needs of the students.

Herz does disclose (Column 94, lines 47-67. Emphasis added.):

In one approach school activities (from either one or a large number of schools) may be accessible for participation remotely. Classroom lectures, continuing education seminars, conferences, tutorials for job training (or on-going job training requirements) may apply. The most exemplary application however is the virtual classroom. Students may use nearest neighbor indexing to either describe or present a particular topic or problems or a query. The system will recommend the most appropriate on-line lecture either live, if the student wishes to interact

(e.g., recommending the next scheduled time) or the most appropriate pre-recorded lecture. For solutions to problems, a virtual tutor involving (either a live or pre-recorded single (closed) session or multi-student session may be presented similarly) **or** the student may receive a recommendation of the name of the most skilled or experienced faculty or student recommended tutor. In the classroom application the student may either present questions on-line to the lecturer (throughout the lecture or at pre-designated intervals) **or** the best ones may be selected by a moderator.

The Office Action further alleges that (Pages 2-3, paragraphs 2-5.):

The applicant's arguments filed on 5/10/2006 with respect to claims 20-38 have been considered but are not persuasive for the following reasons.

Applicant alleges "Herz does not suggest anything about dynamically adding second virtual instructor with the first virtual instructor and the one or more users."

Examiner respectfully disagrees, because Herz discloses the system will recommend the most appropriate on-line lecture either involving a virtual tutor where the student may receive a recommendation of the name of the most skilled or experienced faculty or student recommended tutor (that is adding virtual tutors as needed basis on the student needs) (see col. 94, lines 47-67).

Furthermore, Herz discloses "in one approach school activities (from either one or a large number of schools) may be accessible for participation remotely. Classroom lectures, continuing education seminars, conferences, tutorials for job training (or on-going job training requirements) may apply. The most exemplary application however is the virtual classroom. Students may use nearest neighbor indexing to either describe or present a particular topic or problems or a query. The system will recommend the most appropriate on-line lecture either live, if the student wishes to interact (e.g., recommending the next scheduled time) or the most appropriate pre-recorded lecture. For solutions to problems, a virtual tutor involving (either a live or pre-recorded single (closed) session or multi-student session may be presented similarly) or the student may receive a recommendation of the name of the most skilled or experienced faculty or student recommended tutor.

Herz merely discloses that a student receives a recommendation for an instructor that is best suited for the student. Rather than a second instructor being added with the first instructor, only one instructor is selected for the assignment of teachers based on the needs of the student. A second instructor is not added with the first instructor. Either one instructor or another instructor is selected but not both. Moreover, as argued in the Office Action, Herz teaches a load balancing system. Adding a second instructor with a first instructor and users would only increase loading demands on an educational system and thus would be contrary to performing a load balancing

function. Applicant wishes to note that there appears to be a typographical error (corresponding to incorrectly positioned parentheses) in Herz's disclosure (Column 94, lines 59-64):

For solutions to problems, a virtual tutor involving (either a live or pre-recorded single (closed) session or multi-student session may be presented similarly) or the student may receive a recommendation of the name of the most skilled or experienced faculty or student recommended tutor.

It is Applicant's belief that the above citation correctly refers to *a virtual tutor (involving either a pre-recorded single (closed) session or multi-student session) may be presented similarly or the student may receive a recommendation of the name of the most skilled or experienced faculty or student recommended tutor*. Herz correspondingly discloses presenting either a virtual tutor or recommending the name of a recommended tutor. The Office Action further alleges that Herz discloses (Page 3, paragraph 5):

... In the classroom application the student may either present questions on-line to the lecturer (throughout the lecture or at pre-designated intervals) or the best ones may be selected by a moderator) (see col. 94, lines 47-67). This obviously indicates dynamically adding second virtual instructor with the first virtual instructor and the one or more user.

Herz discloses that "the student may either present questions on-line to the lecturer (throughout the lecture or at pre-designated interval) **or** the best ones may be selected by a moderator." (Emphasis added.) Herz merely discloses questions being presented on-line to the lecturer (instructor) or questions being selected by the moderator. Herz fails to suggest adding a second virtual instructor with the first virtual instructor.

Claims 29 and 30 include similar features as discussed above. Claim 29 includes the features of "logic that dynamically adds a second virtual instructor with the first virtual instructor and the one or more users." Also, claim 30 includes "code that dynamically adds a second virtual instructor with the first virtual instructor and the one or more users." Moreover, claims 21-28 ultimately depend from claim 20 and claims 31-38 ultimately depend from claim 30. Thus, claims 21-28 and 31-38 are patentable for at least the above reasons. Applicant requests reconsideration of claims 20-38.

Moreover, regarding claim 21, the Office Action alleges that (Page 4.):

In considering claim 21, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor monitors progress and provides feedback (see col. 3, lines 29-31 and col. 6, lines 36-63 and col. 14, lines 37-64).

However, Daniels fails to teach the feature of “wherein the second virtual instructor monitors progress and provides feedback.” Daniels does disclose (Column 3, lines 25-40.):

Among the functions provided by the present invention are the following:

- 1) deliver a customized sequence of appropriate learning events to each student;
- 2) direct and monitor student progress and various online and offline activities and tailor instruction to fully integrate them into the classroom;
- 3) adapt a standard sequence of curricula and prescribe lessons from third-party materials;
- 4) branch students to appropriate remedial or enrichment activities;
- 5) generate criterion-referenced pretests and post-tests; and
- 6) create, maintain, and update instructional records on each student and electronically transfer records within and between schools.

Daniels fails to teach anything about providing feedback. Daniels also discloses (Column 6, lines 37-64.):

Within the teacher group there are three different subgroups. The first teacher subgroup is that of regular teacher. The regular teacher is limited to access of records of students in sections.

The second teacher subgroup is that of a substitute teacher. A substitute teacher has access to student records for a particular section. Access is restricted only to a particular time period.

The third teacher subgroup is that of media specialist. A media specialist may add and delete access to a card catalog of references (data base information on all books, video tapes, audio tapes, and films used in instruction) that are not specifically kept in the classroom. Productivity tools specifically available in the media center are the card catalog, and may include an electronic encyclopedia such as Compton's Multimedia Encyclopedia, and may include an electronic dictionary such as the Merriam-Webster Dictionary.

The sixth main user access class is that of a vendor. A vendor is a technician who initially installs and configures the system. Configuration may involve activating or suppressing certain features of the system. The vendor may also have access to special system usage or performance reports. They may also have access to helpful system debugging reports. A vendor inputs a report to the IMS describing each visit.

Daniels merely discloses different teacher subgroups accessing different portions of the instructional management system (IMS).

Daniels further discloses: (Column 14, lines 37-64.):

FIG. 20 is a flow chart illustrating the System Monitor functions available in the IMS. The System Monitor gathers information that describes the state of each workstation and then provides that information for the user to view, as shown in FIG. 20. If either view fields 90, sort fields 92, or modify fields 94 are selected, a submenu 96 is presented to allow a user to perform the desired function on user information, workstation information, or application information. If assign temporary activity 98 is selected, a temporary activity is assigned to a student at 100. If view or edit sequence 102 is selected, the sequence may be viewed at 104 and start and end dates assigned at 106. If system log 108 is selected, the system log is displayed at 110. If maintenance log 112 is selected, the maintenance log is displayed at 114.

The System Monitor presents the state of the system in two formats, a graphical format and a list format. The System Monitor allows the user to specify which workstations to monitor. For the graphical presentation, the user will specify the workstations by selecting which room is to monitor. For the list presentation, the user specifies which workstations are to be monitored by selecting those workstations that have Students that belong to a particular Section or by selecting one or more Rooms. For the list presentation the user may also specify which status items will be used for sorting the information to be displayed.

Daniels merely discloses allowing a user to perform the desired function on user information, workstation information, or application information, including specifying which workstations to monitor. Claim 31 includes the similar feature of “wherein the second virtual instructor monitors progress and provides feedback.”

Also, regarding claim 22, the Office Action alleges that (Page 4. Emphasis added.):

In considering claim 22, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor (second teacher) is selected by one [or] more users (see col. 6, lines 36-63 and col. 14, lines 37-64).

However, Daniels fails to teach the feature of “wherein the second virtual instructor is selected by the one or more users.” As discussed above, Daniels fails to suggest anything about selecting a second virtual instructor. Claim 32 includes the similar feature of “wherein the second virtual instructor is selected by the one or more users.”

Also, regarding claim 23, the Office Action alleges that (Page 4. Emphasis added.):

In considering claim 23, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor becomes the principal (see col. 6, lines 36-63 and col. 14, lines 37-64).

However, Daniels fails to teach the feature of “wherein the second virtual instructor becomes the principal instructor.” As discussed above, Daniels fails to suggest anything about an instructor becoming the principal instructor. Claim 33 includes the similar feature of “wherein the second virtual instructor becomes the principal instructor.”

Also, regarding claim 24, the Office Action alleges that (Page 4. Emphasis added.):

In considering claim 24, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor works with the first instructor to instructor [instruct] the one or more users (see col. 6).

However, Daniels fails to teach the feature of “wherein the second virtual instructor works with the first instructor to instruct the one or more users.” As discussed above, Daniels fails to suggest anything about the second virtual instructor working with the first instructor to instruct a user. Claim 34 includes the similar feature of “wherein the second virtual instructor works with the first instructor to instruct the one or more users.”

Also, regarding claim 25, the Office Action alleges that (Page 4. Emphasis added.):

In considering claim 25, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor collaborates privately with the first instructor (col. 6, lines 36-63).

However, Daniels fails to teach the feature of “wherein the second virtual instructor collaborates privately with the first virtual instructor.” As discussed above, Daniels fails to suggest anything about the second instructor collaborating with the first instructor. Claim 35 includes the similar

feature of “wherein the second virtual instructor collaborates privately with the first virtual instructor.”

Also, regarding claim 27, the Office Action alleges that (Page 4. Emphasis added.):

In considering claim 27, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor is selected by the first virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

However, Daniels fails to teach the feature of “wherein the second virtual instructor is selected by the first virtual instructor.” As discussed above, Daniels fails to suggest anything about the first instructor selecting the second instructor. Claim 27 includes the similar feature of “wherein the second virtual instructor is selected by the first virtual instructor.”

Also, regarding claim 28, the Office Action alleges that (Page 4. Emphasis added.):


In considering claim 28, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein [the second virtual instructor] the interaction parameters include support of [for] electronic distribution of materials from the second virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

However, Daniels fails to teach the feature of “wherein the interaction parameters include support for electronic distribution of materials from the second virtual instructor.” As discussed above, Daniels fails to suggest anything about electronic distribution of materials from the second instructor. Claim 38 includes the similar feature of “wherein the interaction parameters include support for electronic distribution of materials from the second virtual instructor.”

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Kenneth F. Smolik". The signature is written in dark ink and is positioned above the printed name and contact information.

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